



Planning and Sustainable Development

Email: planning@cornwall.gov.uk

Telephone: 0300 1234 151

Website: www.cornwall.gov.uk

West	Planning and Sustainable Development, Cornwall Council, Dolcoath Avenue, Camborne, TR14 8SX
Central	Planning and Sustainable Development, Cornwall Council, Pydar House, Pydar Street, Truro, TR1 1XU
East	Planning and Sustainable Development, Cornwall Council, Chy Trevail, Bodmin, Cornwall, PL31 2FR
Householder Team	Planning and Sustainable Development, Cornwall Council, Dolcoath Avenue, Camborne, TR14 8SX

REVIEW OF MINERAL PLANNING PERMISSIONS: ENVIRONMENT ACT 1995 SECTION 96

ILLUSTRATIVE GUIDE TO CONDITIONS

This guide should be used by applicants in the preparation of new schemes of conditions in conjunction with the guidance contained in the Department of the Environment's "Mineral Planning Guidance Note 14". Clearly, there will be variations in conditions reflecting the unique characteristics of sites and the nature of mineral operations at each site. However, a range of 'Model Conditions' (*shown in italics*) have been incorporated in the following guidance notes to assist applicants when compiling new conditions for Mineral Sites. Please discuss the information content of your ROMP application with the case officer at the earliest opportunity to agree information requirements.

TIME LIMITS

In certain circumstances, e.g. where reserves are limited, conditions should provide for the date on which the winning and working of minerals or depositing of mineral waste must cease. New time limit conditions should only be imposed with the agreement of the applicant, otherwise the condition would constitute a restriction on working rights which could give rise to a liability for compensation.

DURATION

Extraction of minerals shall cease by (date) and restoration shall be completed by (date) and buildings to which this permission relates shall be removed by (date) unless otherwise approved or directed by the MPA.

ACCESS, TRAFFIC AND PROTECTION OF THE PUBLIC HIGHWAY

Conditions should provide for the cleanliness of access leading to and from the public highway and of vehicles leaving the site. Conditions cannot restrict the right of passage over the public highway, but may control the access to or from the highway and may provide for the display of on-site signs showing preferred vehicle routes.

SITE ACCESS

The site access road and associated drainage shall be constructed in accordance with the details shown on (drawing number). No other access shall be used by traffic entering or leaving the site. The visibility splays shown on (drawing number) shall be provided and maintained free of all obstruction (special wording may be needed here to specify height of view etc. depending on site details). All other accesses to the site shall be stopped up, and made good in accordance with the details shown on (drawing number).

SURFACING AND DRAINAGE OF ACCESS

Until completion of site restoration and aftercare, the surfacing of the site access and associated

access drainage shall be maintained in a good state of repair with the access free of mud and other debris and the drainage capable of preventing slurry and water from the permitted area flowing onto the public highway.

SHEETING OF LORRIES

No loaded lorries shall leave the site unsheeted except those only carrying stone in excess of 500mm.

VEHICLE CLEANING

No commercial vehicles shall leave the operational area and rejoin the public highway unless their wheels and chassis have been cleaned as necessary to prevent material being deposited on the highway.

LORRY ROUTEING

A sign, the details of which shall be submitted to and approved by the MPA, shall be erected within weeks and maintained at the site/quarry/ weighbridge, advising drivers of vehicle routes agreed with the MPA.

WORKING PROGRAMME

i. Working scheme

Conditions should provide for the way in which the site is to be worked. The suggested condition relates to plans and drawings showing a scheme of working, restoration and aftercare which are of central importance to the application for determination of new conditions.

(Unless otherwise agreed in writing by the MPA) the working, restoration and aftercare of the site shall be carried out only in accordance with the working programme and phasing plans, drawings numbers (dated) and submitted in application No. (dated) (as subsequently amended by the applicants letters dated).

ii. Soil removal and storage

Conditions should provide for the management and maintenance of topsoil, subsoil or any other soil making materials.

For example, conditions relating to:

- a. the location, size and management of any existing stockpiles of soil and soil making materials (including where incorporated in existing baffle mounds);
- b. the methods of stripping, direct transfer or storage of all subsoil and topsoil so as to cause least damage to soil structure;
- c. the location, design, phasing and management of soil materials still to be stripped;
- d. the recovery of soil making materials from overburden for use in restoration, where appropriate.

All available topsoil and subsoil shall be separately stripped in dry ground conditions from the operational areas and

- *in dry ground conditions directly transferred to areas prepared for surface treatment. Subsoil shall be applied first and loosened across the contours. The topsoil shall then be evenly spread in dry conditions over the subsoil;*
- *stockpiled separately for later use in restoration in accordance with approved plan drawing number*

whichever is appropriate.

iii. Hours of operation

Conditions should provide for the times and days on which specified operations may or may not be carried out.

The precise nature of the condition and the times specified will depend upon the circumstances of the particular case.

Except in emergencies to maintain safe quarry working (which shall be notified to the MPA in advance) or unless the MPA has agreed otherwise in writing:

- (a) *no operations, including vehicle movements other than water pumping, servicing and maintenance and environmental monitoring, shall be carried out at the site except between the following times:
..... hours and hours Monday to Friday; and
..... hours and hours Saturdays;*
- (b) *no servicing or maintenance of plant shall be carried out at the site between hours and hours on any day (and at no time on Sundays, or public holidays);*
- (c) *no operations for the formation and subsequent removal of material from (e.g. any environmental banks and soil storage areas) shall be carried out at the site except between the following times:
..... hours and hours Monday to Friday; and
..... hours and hours Saturdays;*
- (d) *no operations other than environmental monitoring and water pumping at the site shall take place on Sundays or public holidays.*

ENVIRONMENTAL PROTECTION

i. Dust

Conditions should provide for the emission and spread of dust to be minimised.

A scheme for dust monitoring shall be submitted to the MPA for approval by Once approved, such a scheme should be implemented and complied with at all times.

By a scheme for the suppression of dust shall be submitted to the MPA for approval. The scheme shall include inter alia:

- (a) *the suppression of dust caused by the moving and storage of soil and overburden, stone and other materials within the site;*
- (b) *the fitting of drill rigs with efficient dust control measures;*
- (c) *dust suppression on haul roads;*
- (d) *the provision of dust collection and storage facilities;*
- (e) *the control of dust on mica dams.*

Following approval, such a scheme shall be implemented and complied with at all times.

Water sprays, wheel washing facilities and bowsers shall be installed and in operation at the site by in accordance with the scheme shown on plan and submitted in application number

ii. Noise

Conditions should provide for specified noise limits to avoid public nuisance having regard to the nature of the operations to be carried out and the impact on noise sensitive property at different times of the day; and, for monitoring to ensure that the limits set are not exceeded. Conditions may provide for the erection of acoustic screens, the maintenance of efficient silencers on engines and plant, and the erection of baffle mounds and appropriate tree planting or panel fencing.

Further advice on the control of noise from surface mineral working is given in MPG11.

Between the hours of and (daytime) the noise levels arising from the development shall not exceed dB(LAeq) (1 hour) freefield at any of the (noise sensitive properties) identified on the plan attached to this Certificate.

and

Between the hours of and (night time), the noise levels arising from the development shall not exceed dB(LAeq) (5 mins) freefield at any of the noise sensitive properties identified on the plan attached to this Certificate. In any event, noise levels arising from the development shall not, at any time between the hours of and, exceed 50 dB (LAeq) freefield at the identified properties.

All vehicles, plant and machinery operated within the site shall be fitted with silencers and maintained in accordance with the manufacturer's specification at all times.

Before (insert a suitable date) and before any additional coating, crushing, screening, loading or conveyor system plant or process is introduced, noise monitoring measures shall be implemented, in accordance with a scheme approved by the MPA. The scheme shall include:

- (i) noise monitoring locations;*
- (ii) a programme to determine background noise levels;*
- (iii) frequency and duration of measurements;*
- (iv) the results of such monitoring shall be kept at the quarry and made available for inspection by the MPA during the approved working hours (with copies being supplied to the MPA on request);*
- (v) where appropriate, modelling procedures;*
- (vi) procedures to be adopted if noise limits go above a certain level.*

iii. Blasting and Vibration

Where appropriate, conditions should provide for limits on the timing of blasts and on ground vibrations received at noise or vibration sensitive properties; for monitoring to ensure that the limits are not exceeded; and, for methods to be employed minimising air overpressure.

The use of black powder is a blasting process, and, therefore, falls under the provisions of conditions limiting blasting and vibrations. Whilst several modern nonexplosive breaking techniques create no significant noise, vibration or fly rock impacts and do not fall within a definition of blasting, the use of non-explosive gasbased breaking systems may have a similar impact to that created by blasting. It is, therefore, suggested that a condition is introduced related to non-explosive gasbased breaking systems.

No blasting shall take place in the area granted planning permission except in accordance with a scheme (specifying times, frequency of blasting and method of warning of blasting episodes) to be submitted to and approved by the MPA, or as may be varied subsequently with the written consent of the MPA.

or

Ground vibration from blasting shall not exceed a peak particle velocity of mm/second at, or near, the foundations of any vibration sensitive building or residential premises as shown on plan, unless otherwise agreed by the MPA, the measurement to be the maximum of three mutually perpendicular directions taken at the ground surface. The operator will self monitor blast vibration, and release to the MPA all readings obtained in accordance with a programme identified in the planning application.

No secondary blasting shall be carried out on the site except with the written agreement of the MPA.

No breaking shall take place using non-explosive gas-based techniques except in accordance with a scheme to be submitted to and approved by the MPA, or as may be varied subsequently with the written consent of the MPA.

NB: the precise levels of peak particle velocity that will be acceptable will depend on the effects on the local environment but will also be governed by the type of mineral being worked, the blasting operations being carried out, and local circumstances. Generally, individual blasts should not exceed 8.5mm/sec ppv. The measurement should be the maximum of three mutually perpendicular directions at ground level. In all cases, it will be necessary to ensure that planning conditions do not cut across good and safe practice under Mines and Quarries legislation and advice should be sought from HM Inspectorate of Mines and Quarries before conditions to control blasting are imposed.

(iv) Dust, noise, smoke, fumes and vibration

The following condition should provide for the prevention or mitigation of public nuisance at the mineral site:

All practicable means shall be employed by the operators for preventing or minimising the emission of dust, smoke or fumes and the creation of noise and vibration during the approved use of the site. The word 'practicable' and the phrase 'practicable means' in these conditions shall have the meaning assigned to them in Section 79(9) of the Environmental Protection Act 1990.

(v) Groundwater and Surface Water Drainage Protection

Conditions should provide for the protection of surface water, groundwater and floodplains. Prior discussions with the Environment Agency are essential.

Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes should vent downwards into the enclosure formed by the bund.

No extraction tipping or temporary storage of materials, plant or machinery shall take place within (..... metres) of any watercourse. Under no circumstances shall tipped material enter any watercourse or culvert.

There shall be no working below AOD.

Conditions should not unnecessarily duplicate consents and controls imposed by other statutory agencies - e.g. pollution control authorities.

ARCHAEOLOGY AND HISTORIC ENVIRONMENT

All land contains an historic record and the advice of the Cornwall Council's Historic Environment Service should be sought at an early stage. Where appropriate, reasonable provision should be made for archaeological investigation and recording and subsequent publication and dissemination of results. This may be achieved by planning conditions or voluntary agreement.

Development shall not take place within the area indicated on plan (this would be the area of archaeological interest) until the developer has secured a programme of archaeological investigation and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the MPA.

No development shall take place within the area indicated on plan until fencing has been erected around the archaeological site as shown on that plan, and no operations shall take place within the area inside that fencing without the prior written consent of the Mineral Planning Authority.

Note: This condition only applies to discrete areas of the application site where it is the intention to protect the archaeology long term.

RESTRICTION OF PERMITTED DEVELOPMENT RIGHTS

Where there are compelling planning reasons, such as location within an AONB, it may be desirable to restrict permitted development rights. A condition having this effect should only be necessary in exceptional circumstances.

Notwithstanding the provisions of parts 19 and 21 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order)

(a) no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed or replaced at the site/quarry complex except (.....), without the prior agreement in writing of the MPA;

(b) no waste materials shall be deposited except (.....) at the site/ quarry complex without the prior agreement in writing of the MPA.

Note: insert suitable area or level. This condition is seldom necessary as there is usually provision made for the depositing of Mineral waste in the Scheme of Working.

LANDSCAPING

Conditions may provide for the landscaping of the site, or the submission of a landscaping scheme for the approval of the MPA. In most cases, provision for landscaping measures such as over-burden mounds, planting and screening to mask the site, or to seek to blend it with local landscaping will be incorporated in the working programme.

The existing trees, bushes and hedgerows within the site shall be retained and shall not be (felled, lopped, topped or removed) in areas outside of the current or succeeding phase of mineral working or tipping without the prior written consent of the MPA. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased as a result of operations permitted at this site shall be replaced with trees or bushes of such size and species as may be specified by the MPA, in the planting season immediately following any such occurrences.

Trees, shrubs and hedges planted in accordance with the approved scheme in plan shall be maintained free of weed growth within ½ metre of the base of the tree and any plants which die

LANDSCAPING (continued)

within 5 years of planting, or become seriously damaged or diseased are removed and shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the MPA.

RESTORATION, AFTERCARE AND AFTER-USE

Conditions should provide for:

- a. landforms, hydrology and levels of the site - whether a mineral excavation or deposit of minerals waste - on which the final restoration and after-use will take place;
- b. restoration - use of soils and soil-making materials, including depth and nature of topsoil and subsoil and handling methods for soil movement;
- c. aftercare - provision for a scheme to be submitted and agreed for a five year aftercare period where sites are restored to agriculture, forestry, amenity, nature conservation or heritage after-use;
- d. where appropriate, the removal of buildings, fixed plant, equipment and foundations and integration of these areas into the proposals for items a to c above.

Conditions may provide for these matters to be the subject of a scheme or schemes to be submitted at the appropriate phases or times.

The site/quarry complex shall be reclaimed (progressively) and managed for purposes in accordance with a scheme to be submitted for approval by the MPA before (insert a suitable stage of the development or a date). The scheme shall include details of:

- (a) the intended after-use of the site;*
- (b) the sequence of (backfilling and) reclamation showing clearly the relationship to the working scheme;*
- (c) (if low level and quarry bench reclamation) the respreading over the floor of the excavated area of overburden, subsoil and topsoil previously stripped from the site, in that order; (specify details, depths and placement of respreading materials as necessary);*
- (d) (if restoration to original levels) the application of at least a metre of final cover comprising fine graded overburden appropriate for tree rooting or cultivation followed by subsoil and topsoil in specified and separate layers;*
- (e) the ripping across the contours during dry ground conditions, of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil;*
- (f) the machinery to be used in soil respreading operations;*
- (g) final levels for the reinstated land which do not exceed those of surrounding undisturbed ground except where allowance for settlement may be appropriate and which incorporate sufficient gradient to promote surface drainage and prevent ponding;*
- (h) as necessary to facilitate chosen after use or to protect interests of adjoining land;*
- (i) the reinstatement of the plant site and access roads by clearing plant, buildings, machinery and concrete or brickwork, including footings, deep cultivation in both directions to remove rocks and other obstructions, replacing of subsoil and then topsoil previously stripped from the sites;*

- (j) where appropriate, the arrangements made for the conservation of structures, features, or areas of historic significance;*
- (k) seeding of grass and/or conservation mixes as appropriate;*
- (l) the reworking of any water areas to be left in order to create or preserve features such as islands preparatories and banks and the surface treatment of these using specific overburden and soils and the implementation of appropriate aquatic and terrestrial planting/seeding;*
- (m) a timetable for implementation and aftercare to an agreed programme;*
- (n) any other matters as relevant; and upon approval such scheme shall be implemented as approved unless a variation has been agreed in writing by the MPA.*

The schemes detailed in conditions shall be fully implemented within years, or such longer period agreed in writing by the MPA, of the cessation of working or by whichever is the sooner.

All plant and buildings shall be removed from the site on completion of quarrying, unless otherwise agreed in writing with the MPA. Any plant which is no longer in operation shall be removed from the site.

In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved working programme, ref which in the opinion of the MPA constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for approval to the MPA, within of the cessation of winning and working. The approved revised scheme shall be fully implemented within years of the written approval unless otherwise agreed in writing with the MPA.

An aftercare scheme, requiring that such steps as may be necessary to bring each phase of the land reclaimed under condition (.....) to the required standard for use for (agriculture, forestry, amenity heritage or nature conservation) shall be submitted for the approval of the MPA not later than (.....) from the date of this permission and thereafter be implemented as approved. (Condition will need to be designed for a specific proposal).